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To: USPTO – Mail Stop APPEAL BRIEF From: Jason D. Voight
Fax: (571) 273-8300 Pages: 3
Phone: (571) 272-1000 Date: February 27, 2006
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Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

In re Application of: AUWETER et al.
Serial No.: 09/929,075
Filing Date: August 15, 2001

Attachments: Response Brief

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Mail Stop: APPEAL BRIEF
AUWETER et al.) Confirmation No.: 8919
Serial No.: 09/929,075) Examiner: Wang, Shengjun
Filing or 371(c) Date: 08/15/2001) Art Unit: 1617

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For: SOLID PREPARATIONS HAVING A MULTICORE STRUCTURE

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RESPONSE BRIEF

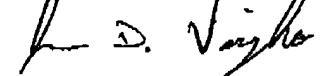
In the Examiner's Answer of January 31, 2006, the examiner states on page 6, last paragraph that the "[a]ppellants erred in stating: "multiple core structure shown in the prior art contains only one active ingredient." Appellants respectfully submit that nowhere in its Brief dated November 1, 2005, does this statement appear. For purposes of clarification, appellants restate below the relevant parts of its Brief (See page 4, beginning part of the first full paragraph):

Applicants in response point out that each of the multiple core structures shown in the cited art contains the same active ingredient(s). The Examiner is directed to column 3, lines 18-32 of Akamatsu et al. wherein the cited art discloses possible combinations of natural carotenoids for each microcore structure. Further disclosures in Akamatsu et al. favoring Applicants argument that each core structure found in the cited art contains only one category of active ingredient per micro structure can be found in Example 1, of column 7, wherein the cited art lists "palm oil as carotenoid" - no microcore structures containing different chemical compositions are disclosed. Conversely, the present invention however, claims multiple core structures with more than one active ingredient with at least two cores of a multicore structure having a different chemical composition.

AUWETER et al.
S.N. 09/929,075
Examiner's Answer 01/31/06

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Respectfully submitted,
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